

# House File 682 - Enrolled

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HOUSE FILE 682

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## AN ACT

1 4 RELATING TO THE ASSESSMENT OF A CIVIL PENALTY AND CRIMINAL  
1 5 PENALTY SURCHARGE, AND CREATING A CRIMINALISTICS LABOR=  
1 6 ATORY FUND.

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1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 10 Section 1. Section 602.8108, subsection 3, Code 2005, is  
1 11 amended to read as follows:

1 12 3. The clerk of the district court shall remit to the  
1 13 state court administrator, not later than the fifteenth day of  
1 14 each month, ninety-five percent of all moneys collected from  
1 15 the criminal penalty surcharge provided in section 911.1  
1 16 during the preceding calendar month. The clerk shall remit  
1 17 the remainder to the county treasurer of the county that was  
1 18 the plaintiff in the action or to the city that was the  
1 19 plaintiff in the action. Of the amount received from the  
1 20 clerk, the state court administrator shall allocate ~~eighteen~~  
1 21 seventeen percent to be deposited in the victim compensation  
1 22 fund established in section 915.94, and ~~eighty-two~~ eighty=  
1 23 three percent to be deposited in the general fund.

1 24 Sec. 2. Section 602.8108, Code 2005, is amended by adding  
1 25 the following new subsection:

1 26 NEW SUBSECTION. 9. A criminalistics laboratory fund is  
1 27 created as a separate fund in the state treasury under the  
1 28 control of the department of public safety. The fund shall  
1 29 consist of appropriations made to the fund and transfers of  
1 30 interest, and earnings. All moneys in the fund are  
1 31 appropriated to the department of public safety for use by the  
1 32 department in criminalistics laboratory equipment purchasing,  
1 33 maintenance, depreciation, and training. Any balance in the  
1 34 fund on June 30 of any fiscal year shall not revert to any  
1 35 other fund of the state but shall remain available for the  
2 1 purposes described in this subsection.

2 2 Sec. 3. Section 907.1, subsection 1, Code 2005, is amended  
2 3 to read as follows:

2 4 1. "Deferred judgment" means a sentencing option whereby  
2 5 both the adjudication of guilt and the imposition of a  
2 6 sentence are deferred by the court and whereby the court  
2 7 assesses a civil penalty as provided in section 907.14 upon  
2 8 the entry of the deferred judgment. The court retains the  
2 9 power to pronounce judgment and impose sentence subject to the  
2 10 defendant's compliance with conditions set by the court as a  
2 11 requirement of the deferred judgment.

2 12 Sec. 4. Section 907.3, subsection 1, unnumbered paragraph  
2 13 1, Code 2005, is amended to read as follows:

2 14 With the consent of the defendant, the court may defer  
2 15 judgment and may place the defendant on probation upon  
2 16 conditions as it may require. However, a civil penalty shall  
2 17 be assessed as provided in section 907.14 upon the entry of a  
2 18 deferred judgment. Upon a showing that the defendant is not  
2 19 cooperating with the program of probation or is not responding  
2 20 to it, the court may withdraw the defendant from the program,  
2 21 pronounce judgment, and impose any sentence authorized by law.  
2 22 Before taking such action, the court shall give the defendant  
2 23 an opportunity to be heard on any matter relevant to the  
2 24 proposed action. Upon fulfillment of the conditions of  
2 25 probation and the payment of fees imposed and not waived by  
2 26 the judicial district department of correctional services  
2 27 under section 905.14, the defendant shall be discharged  
2 28 without entry of judgment. Upon violation of the conditions  
2 29 of probation, the court may proceed as provided in chapter  
2 30 908.

2 31 Sec. 5. NEW SECTION. 907.14 DEFERRED JUDGMENT == CIVIL  
2 32 PENALTY == DISTRIBUTION.

2 33 1. Upon the entry of a deferred judgment pursuant to  
2 34 section 907.3, a defendant shall be assessed a civil penalty  
2 35 of an amount not less than the amount of any criminal fine  
3 1 authorized by law for the offense under section 902.9 or  
3 2 section 903.1.

3 3 2. The clerk of the district court shall collect and remit  
3 4 the civil penalty to the state court administrator for deposit  
3 5 in the general fund of the state as provided in section

3 6 602.8108.  
3 7 Sec. 6. Section 911.1, subsection 1, Code 2005, is amended  
3 8 to read as follows:  
3 9 1. A criminal penalty surcharge shall be levied against  
3 10 law violators as provided in this section. When a court  
3 11 imposes a fine or forfeiture for a violation of state law, or  
3 12 a city or county ordinance, except an ordinance regulating the  
3 13 parking of motor vehicles, the court or the clerk of the  
3 14 district court shall assess an additional penalty in the form  
3 15 of a criminal penalty surcharge equal to ~~thirty~~ thirty-two  
3 16 percent of the fine or forfeiture imposed.

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3 21 CHRISTOPHER C. RANTS  
3 22 Speaker of the House  
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3 25 \_\_\_\_\_  
3 26 JOHN P. KIBBIE  
3 27 President of the Senate

3 28 I hereby certify that this bill originated in the House and  
3 29 is known as House File 682, Eighty-first General Assembly.

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3 34 MARGARET THOMSON  
3 35 Chief Clerk of the House

3 35 Approved \_\_\_\_\_, 2005

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4 5 THOMAS J. VILSACK  
4 5 Governor